

1
2
3
4
5
6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

8 UNITED STATES OF AMERICA,
9
10 Plaintiff,

Case No. MJ17-180

11 v.

DETENTION ORDER

12 PHI NGUYEN,
Defendant.

13 The Court, having conducted a detention hearing pursuant to Title 18 U.S.C. § 3142(f),
14 and based upon the factual findings and statement of reasons for detention hereafter set forth,
15 finds that no condition or combination of conditions which the defendant can meet will
16 reasonably assure the appearance of the defendant as required and the safety of any other person
17 and the community. The finding is based on 1) the nature and the circumstances of the offense
18 charged, including whether the offense is a crime of violence or involves a narcotic drug; 2) the
19 weight of the evidence against the person; 3) the history and characteristics of the person
20 including those set forth in 18 U.S.C. § 3142(g)(3)(A)(B); and 4) the nature and seriousness of
21 the danger release would impose to any person or the community.

22 **FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION**
23

1 (1) Defendant has been charged by complaint with conspiracy to distribute marijuana.
2 The Court received information about defendant's personal history, residence, family or
3 community ties, employment history, financial status, health, and substance use. The defendant
4 through his attorney made argument as to release. The rebuttable presumption against defendant
5 under 18 U.S.C. §3142 (e) applies as this is a drug offense with a maximum sentence of ten years
6 or more. The defendant has not introduced sufficient evidence to rebut the presumption above,
7 and detention is ordered on that basis.

8 (2) After considering the factors set forth in 18 U.S.C. § 3142(g) and the information
9 presented at the detention hearing, the Court concludes that the defendant must be detained
10 pending trial because the Government has proven:

11 a. By clear and convincing evidence that no condition or combination of
12 conditions of release will reasonably assure the safety of any other person and
13 the community.

14 b. By a preponderance of the evidence that no condition or combination of
15 conditions of release will reasonably assure the defendant's appearance as
16 required.

17 It is therefore **ORDERED**:


18 (1) Defendant shall be detained pending trial and committed to the custody of the
19 Attorney General for confinement in a correctional facility separate, to the extent practicable,
20 from persons awaiting or serving sentences, or being held in custody pending appeal;

21 (2) Defendant shall be afforded reasonable opportunity for private consultation with
22 counsel;
23

(3) On order of a court of the United States or on request of an attorney for the Government, the person in charge of the correctional facility in which Defendant is confined shall deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding; and

(4) The Clerk shall direct copies of this order to counsel for the United States, to counsel for the defendant, to the United States Marshal, and to the United States Pretrial Services Officer.

DATED this 12th day of May, 2017.


PAULA L. MCCANDLIS
United States Magistrate Judge